# IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MONSANTO COMPANY and	)	
MONSANTO TECHNOLOGY LLC,	)	
	)	
Plaintiffs,	)	
	)	
VS.	)	
	)	
E.I. DUPONT DE NEMOURS AND	)	Case No. 4:09-cv-00686-ERW
COMPANY and PIONEER HI-BRED	)	
INTERNATIONAL, INC.,	)	
	)	
Defendants.	)	

## PLAINTIFFS' MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF FIFTEEN PAGES

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively "Monsanto"), respectfully request the Court grant leave for Monsanto to file Monsanto's Opposition to Defendants' Motion to Compel Testimony and Documents Related to Monsanto's Settlement Agreement with Syngenta, containing 23 pages.

In support of this motion, Monsanto states that the additional pages for Monsanto's brief are necessary to adequately address the issues raised in Defendants' Memorandum in Support of its Motion to Compel Testimony and Documents Related to Monsanto's Settlement Agreement with Syngenta (consisting of 39 pages).

Dated: September 1, 2011

Respectfully submitted,

#### HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran
Joseph P. Conran, E.D.Mo. # 21635MO
joe.conran@huschblackwell.com
Omri E. Praiss, E.D.Mo. # 41850MO
omri.praiss@huschblackwell.com
Greg G. Gutzler, E.D.Mo. # 48893MO
greg.gutzler@huschblackwell.com
Tamara M. Spicer, E.D.Mo. # 54037MO
tamara.spicer@huschblackwell.com
Steven M. Berezney, E.D.Mo. # 56091MO
steve.berezney@huschblackwell.com
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 480-1500 – telephone
(314) 480-1505 – facsimile

WINSTON & STRAWN LLP

Dan K. Webb dwebb@winston.com George C. Lombardi glombardi@winston.com Todd J. Ehlman tehlman@winston.com James M. Hilmert jhilmert@winston.com 35 W. Wacker Drive, Suite 4200 Chicago, IL 60601 (312) 558-5600 – telephone (312) 558-5700 – facsimile

John J. Rosenthal jrosenthal@winston.com Matthew A. Campbell macampbell@winston.com Jovial Wong jwong@winston.com Andrew E. Smith aesmith@winson.com Erica E. Stauffer estauffer@winston.com Zachary L. Spencer zspencer@winston.com Adam S. Nadelhaft anadelhaft@winston.com 1700 K Street, N.W. Washington, DC 20006 (202) 282-5000 – telephone (202) 282-5100 – facsimile

Gail J. Standish gstandish@winston.com 333 South Grand Avenue Los Angeles, CA 90071-1543 (213) 615-1700 – telephone (213) 615-1750 – facsimile

#### MCDERMOTT WILL & EMERY

Steven G. Spears sspears@mwe.com 1000 Louisiana Street, Suite 3900 Houston, TX 77002-5005 (713) 653-1700 – telephone (713) 739-7592 – facsimile

Attorneys for Plaintiff Monsanto Company and Monsanto Technology LLC

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1<sup>st</sup> day of September, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, via the Court's ECF System, and was served by operation of that Court's electronic filing system, upon the following:

Andrew Rothschild, Esq. C. David Goerisch, Esq. Lewis, Rice & Fingersh, L.C. 600 Washington, Suite 2500 St. Louis, MO 63102

Leora Ben-Ami, Esq. Thomas F. Fleming, Esq. Christopher T. Jagoe, Esq. Howard S. Suh, Esq. Jeanna Wacker, Esq. Kaye Scholer LLP 425 Park Avenue New York, NY 10022

Donald L. Flexner, Esq. Hershel Wancjer, Esq. Cynthia Christian, Esq. Robert M. Cooper, Esq. Boies, Schiller & Flexner LLP 575 Lexington Avenue, 7th Fl. New York, NY 10022

James P. Denvir, Esq. Amy J. Mauser, Esq. Boies, Schiller & Flexner LLP 5301 Wisconsin Avenue, N.W. Washington, D.C. 20015

Attorneys for Defendants

/s/ Joseph P. Conran